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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,828	07/09/2003	Takahiro Tamiya	239943US2CONT	5020

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EXAMINER

LEE, SUSAN SHUK YIN

ART UNIT PAPER NUMBER

2852

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,828

Applicant(s)

TAMIYA ET AL.

Examiner

Susan S. Lee

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/9/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/200,178.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07092003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 1 and 3-5 are objected to because of the following informalities:

As to claim 1, line 6, "a transfer medium key" should be - - a transfer medium - -.

As to claim 3, line 14, "bras" should be - - bias - -.

Appropriate correction is required.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: - - Transfer Bias Applying Method for an Image Forming Apparatus and Device for The Same - - .

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,618,565. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims read on the instant invention.

US Patent No. 6,618,565 recites in claim 1 the same elements and steps as the instant invention's claim 1: the bias applying device comprising a plurality of bias applying means read on the instant invention's plurality of bias sources; the plurality of high-potential power supply sections read on the instant invention's plurality of high-potential power supplies; a plurality of sensing sections reads on the instant invention's plurality of sensors; a central processing unit reads on the instant invention's central processing unit; bias applying method reads on the instant invention's bias applying method of detecting an AC component ...; determining an AC resistance ...; estimating a leak current of a DC component ...; and adding the leak current to a set DC value Claim 2 recites the same elements and steps as the instant invention's claim 2: a plurality of bias applying means read on the instant invention's plurality of bias sources; a plurality of high-potential power supply sections read on the instant invention's plurality of high-potential power supplies; a plurality of sensing sections read on the instant invention's plurality of sensors; a central processing unit reads on the instant invention's central processing unit; bias applying method reads on the instant invention's bias applying method of causing each of the high-tension power supplies to apply DC component ...; selectively detecting said alternating biases ...; calculating, based on the absolute value, ... estimating a coupling impedance corresponding to the

resistance and a leak current to appear when the DC component is applied alone; and adding the leak current to an original target DC current to thereby correct the bias.

Claims 3 and 6 recite the same elements as the instant invention's claims 3 and 6: a plurality of image forming means read on the instant invention's plurality of image forming units; image carrier reads on the instant invention's image carrier; a latent image forming means read on the instant invention's latent image forming unit; a developing means read on the instant invention's developer; image transferring means read on the instant invention's image transfer unit; an image transfer belt reads on the instant invention's image transfer belt; bias applying device comprising a plurality of bias applying means read on the instant invention's plurality of bias sources; a plurality of high-potential power supply sections read on the instant invention's plurality of high-potential power supplies; a plurality of sensing sections read on the instant invention's plurality of sensors; a central processing unit reads on the instant invention's central processing unit; and a bias correcting means read on the instant invention's bias correcting controller.

Claim 5 recites the same elements as the instant invention's claims 5 and 8: the sensing sections read on the instant invention's sensors.


Claims 4 and 7 recite the same elements as the instant invention's claims 4 and 7: the high-tension power supply sections read on the instant invention's high-tension power supplies.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tanaka discloses a color image forming apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan S. Lee whose telephone number is 571-272-2137. The examiner can normally be reached on Mon. - Fri., 10:30-8:00, Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Art Grimley can be reached on 571-272-2136 or 571-272-2800 (Ext. 52). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan S. Lee
Primary Examiner
Art Unit 2852

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